

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 20 of 40

REMARKS

In the November 17, 2005 Office Action, the Examiner noted Claims 1-71 are pending in the application. The Examiner rejected Claims 1-71 as obvious under 35 U.S.C. §103. By this Response, all rejected claims continue unamended and arguments refuting the Examiner's positions are provided. In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provision of 35 U.S.C. §103. Accordingly, the Applicants request that the Examiner withdraw the rejection and issue a Notice of Allowance.

REJECTIONS

The Examiner has rejected claims 1-23, 25-33, 35-43 and 45-71 under 35 U.S.C. §103(a) as being unpatentable over "Disclosed Prior Art" (see specification p. 1-5) and U.S. Patent No. 6,199,050 (hereinafter "Alaia"). The Applicants respectfully traverse this rejection.

The Applicants respectfully disagree with the Examiner that the specification p. 1 – 5 is Disclosed Prior Art. The specification p. 1 – 5 is merely explanatory background information. Further, the Applicants respectfully offer that the Examiner has not properly applied the combination of cited references so as to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, *MPEP 2142*.

The prior art must suggest the desirability of the claimed invention. See, *MPEP 2143.01*. More specifically, the suggestion or motivation to combine the prior art references must be found within the references. The level of skill in the art

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 21 of 40

cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. Ap. & Inter. 1993); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

REJECTION OF CLAIM 1 UNDER 35 USC § 103

The Examiner has rejected independent claim 1 as obvious under 35 USC § 103. The rejection is respectfully traversed. The Examiner contends the specification discloses:

providing a reverse auction (bidding) environment; receiving a request for proposals (RFP) from a customer at the reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities (telecommunication service); soliciting multiple potential vendors (potential telecommunications vendors) to submit proposals responsive to the RFP in the reverse auction environment; receiving one or more vendor proposals in the reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price (bid price) for the specified commodity (telecommunication service), and extracting the proposed price (bid price) from each of the responsive vendor proposals.

(Examiner's Office Action p. 2-3)

The Examiner concedes that the specification does not teach:

**RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 22 of 40**

a method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities and an estimated market price stored in association with one or more of the commodity designations, comprising: providing an online reverse auction environment accessible via a computer network; receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including request for bids on at least a specified one of the commodities, soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment, receiving one or more vendor proposals in the online reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity, comparing the proposed price to the estimated market price of the specified commodity, and updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.
(Examiner's Office Action p. 3-4)

The Examiner erroneously equates the bidding environment disclosed in the specification p. 1 – 5 as equivalent to a reverse auction environment. The Examiner cites Alaia as disclosing a reverse auction conducted in an online environment. Further, the Examiner cites Alaia as teaching "comparing the proposed price to the estimated market price of the specified commodity, and updating the database with the proposed price so the estimated market price more accurately approximates an actual market price. The Examiner further states storage of information in a database and updating of such information is old and well known in the art of computer system and database design. The Examiner concludes the specification p. 1 – 5 in combination with Alaia, and further in view of knowledge available to one of ordinary skill in the art teaches the Applicants' invention. The Applicants respectfully disagrees.

The Applicants' claim 1 positively recites (*emphasis added to the original*):

**RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 23 of 40**

1. A method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities and an estimated market price stored in association with one or more of the commodity designations, comprising:

providing an online reverse auction environment accessible via a computer network;

receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities;

soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment;

receiving one or more vendor proposals in the online reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity;

extracting the proposed price from each of the responsive vendor proposals;

comparing the proposed price to the estimated market price of the specified commodity; and

updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.

The Applicants respectfully offer the Examiner has misinterpreted the specification. More specifically, the specification p. 1 – 5, teaches a standard request for proposal process by which a commodity is put out for a bid. The specification does not disclose a reverse auction bidding environment. The specification teaches “[d]uring the bidding period, each interested vendor submits a single proposal that represents the bidder’s best shot at winning the business.” See p. 3, l. 26 – 28 (emphasis added to the original). In a reverse auction environment, each interested vendor is aware of the current lowest bid price and capable of submitting a lower bid in response to the current lowest bid price. The specification p. 1 – 5 does not teach a reverse auction environment as claimed by the Examiner.

The Examiner cites Alaia for teaching a reverse auction in an online environment and also cites Alaia for teaching (see col. 21, lines 33 – 38):

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 24 of 40

A second option is to set a ceiling at the lowest bid. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling).

Alaia fails to teach "updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price." The Examiner attempts to bridge the gap between the specification p. 1 – 5 and Alaia with asserted knowledge available to one of ordinary skill in the art. The Examiner contends storage of information in a database and updating of such information is old and well known in the art of computer system and database design. The Examiner relies upon the combination of the specification p. 1 – 5, Alaia, and knowledge available to one of ordinary skill in the art to conclude Applicants' claim 1 is obvious under 35 U.S.C. §103.

As discussed above, a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See, MPEP 2143.01, *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. Ap. & Inter. 1993); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See MPEP 2144.03B, *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697. A general conclusion concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection.

Neither the specification, nor Alaia, alone or in combination, teaches updating a database with a proposed price so the estimated market price more

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 25 of 40

accurately approximates an actual market price. Further, the Examiner cannot rely upon knowledge available to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support an obviousness rejection under 35 § U.S.C. 103.

Therefore, independent claim 1 is not obvious under 35 U.S.C. 103(a) and is patentable. Claims 2 to 8 depend, directly or indirectly, from independent claim 1 and recite additional limitations therefor. Because independent claim 1 is allowable, claims 2 to 8 are also allowable. Applicants respectfully request the rejection of claims 1 to 8 be withdrawn.

REJECTION OF CLAIM 9 UNDER 35 USC § 103

The Examiner has rejected independent claim 9 as obvious under 35 USC § 103. The rejection is respectfully traversed. Claim 9 is rejected under the same rationale as independent claim 1. Applicants' Claim 9 positively recites:

9. A method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities, an estimated market price stored in association with one or more of the commodity designations, and a nonprice market term stored in association with one or more of the commodity designations, the method comprising:

providing an online reverse auction environment accessible via a computer network;

receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids and a desired nonprice term for at least a specified one of the commodities; and

updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.

The Examiner has mistakenly concluded that the bidding environment disclosed in the specification is equivalent to a reverse auction. In contrast, a bidding environment as claimed in claim 1 and 9 requires a much more robust analysis than a mere reverse auction. The bidding environment, as claimed,

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 26 of 40

comprises an iterative process whereas a reverse auction relates to bidding on one item at a time, with no reuse or reassemble features such as those provided by embodiments of the present invention.

As discussed above, the bidding environment is not a reverse auction. The Examiner concedes the specification does not teach a method of updating a database of commodity information. Further, the Examiner contends Alaia teaches "comparing the proposed price to the estimated market price of the specified commodity, and updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price."

(Examiner's Office Action p. 4) The Applicants respectfully disagrees.

The specification p. 1 - 5, alone or in combination with Alaia, does not teach each and every element of the Applicants' independent claim 9. More specifically, the combination does not teach updating a database with a proposed price so the estimated market price more accurately approximates an actual market price.

Therefore, independent claim 9 is not obvious under 35 U.S.C. 103(a) and is patentable. Claims 10 to 15 depend, directly or indirectly, from independent claim 9 and recite additional limitations therefor. Because independent claim 9 is allowable, claims 10 to 15 are also allowable. Applicants respectfully request the rejection of claims 9 to 15 be withdrawn.

REJECTION OF CLAIM 16 UNDER 35 USC § 103

The Examiner has rejected independent claim 16 as obvious under 35 USC § 103. The rejection is respectfully traversed. The Examiner contends that the specification p. 1 – 5 discloses:

a customer traffic history information collection including traffic information (historical call data) describing a historical quantity of the telecommunications service used by a customer during a previous time period (billing period); an RFP preparation stage for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation utilizing the historical quantity from the customer traffic history information

**RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 27 of 40**

collection for use in determining the anticipated quantity of the telecommunications service; a reverse auction (bidding) environment, accessible by multiple potential vendors, the potential vendors including one or more interested vendors, the auction environment adapted to display the RFP to the interested vendor and to receive bids on the RFP from the interested vendors; and a bid analysis stage in communication with the auction environment for analyzing the received bids.

The Examiner concedes the specification p. 1 – 5 does not disclose:

- a best of class database including an estimated market price for at least one telecommunications service;

- a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period;

- an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation model being adapted to extract the historical Quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service;

- an online reverse auction environment, accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display the RFP to the interested vendor and to receive bids on the RFP from the interested vendors; and

- a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids.

The Applicants agree that the above is not disclosed in the specification p. 1 – 5.

Therefore, independent claim 16 is allowable.

Claims 17 to 23 and 25-27, depend directly or indirectly, from independent claim 16 and recite additional limitations therefor. Because independent claim 16

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 28 of 40

is allowable, claims 17 to 23 and 25-27 are also allowable. Applicants respectfully request the rejection of claims 16 to 23 and 25-27 be withdrawn.

REJECTION OF CLAIM 28 UNDER 35 USC § 103

The Examiner has rejected independent claim 28 as obvious under 35 USC § 103 on the same basis as independent claims 9 and 16. The rejection is respectfully traversed. As discussed above, independent claims 9 and 16 are patentable over the prior art. Claim 28 includes similar features as in claims 9 and 16 with additional aspects. Therefore, independent claim 28 is also patentable over the prior art. Independent claim 28 positively recites:

28. A system for facilitating the purchase of telecommunications services, comprising:
a best of class database including an estimated market price for at least one telecommunications service;
a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period;
an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service;
an online reverse auction environment accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors;
a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the received bids;
and
a database updating module for updating the best of class database in response to the received bids

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 29 of 40

so that the estimated market price more accurately approximates an actual market price.

Therefore independent claim 28 is also allowable.

Claims 29 to 38, depend directly or indirectly, from independent claim 28 and recite additional limitations therefor. Because independent claim 28 is allowable, claims 29 to 38 are also allowable. Applicants respectfully request the rejection of claims 28 to 38 be withdrawn.

REJECTION OF CLAIM 39 UNDER 35 USC § 103

The Examiner has rejected independent claim 39 as obvious under 35 USC § 103. The rejection is respectfully traversed. The Examiner contends the specification p. 1 – 5 discloses:

- a system for reducing the cost of telecommunications services, comprising:

- a customer traffic history information collection including traffic information (historical call data) describing a historical quantity of at least some of the classes of telecommunications service (classes of service) used by a customer during a previous time period (billing period);

- a spending analysis stage for reading multiple telecommunications billing statements including traffic detail data (detailed billing statements);

- extracting (gather) the traffic detail data (historical call data) from the telecommunications billing statements (detailed billing statements);

- a RFP preparation stage for preparation of a request for proposals (RFP) describing an anticipated quantity of a specified one of the classes of telecommunications service (class of service);

- the RFP preparation stage being adapted to extract (gather) the historical quantity (historical call data) from the customer traffic history information collection for use in determining the anticipated quantity of the specified class of telecommunications service (class of service);

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 30 of 40

a reverse auction (bidding) environment accessible by multiple potential vendors, the potential vendors including one or more interested vendors, the reverse auction environment adapted to present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors; and

a bid analysis stage in communication with the reverse auction (bidding) environment for analyzing the received bids.

The Examiner concedes the specification p. 1 – 5 does not teach a system comprising:

a best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of at least some of the generic classes of telecommunications service used by a customer during a previous time period;

a spending analysis software module for reading multiple telecommunications billing statements including traffic detail data, extracting the traffic detail data from the telecommunications billing statements, converting the traffic detail data to the generic classes of telecommunications service, and updating the historical quantity of the customer traffic history database with the converted traffic detail data;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of a specified one of the generic classes of telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the specified generic class of telecommunications service;

an online reverse auction environment accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to

**RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 31 of 40**

present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors;
a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the received bids; and
a database updating module for updating the best of class database with at least one of the received bids so that the estimated market price more accurately approximates an actual market price.

Further, the Examiner cites Alaia as teaching a feedback mechanism to keep all bidders and potential bidders appraise (*sic*) of the status of the marketplace and their place within the marketplace. The Examiner also cites Alaia as teaching:

A second option is to set a ceiling at the lowest bid. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling). (see col. 21, lines 33 – 38)

The Examiner concludes it would have been obvious to automate the method disclosed in the specification p. 1 – 5, add a feedback mechanism as disclosed in Alaia to keep all bidders and potential bidders appraised of the status of the marketplace and their place within the marketplace, store and update information in a database, and construct the invention using a modular design. The Applicants respectfully disagree.

The prior art must suggest the desirability of the claimed invention. (see MPEP 2143.01) More specifically, the suggestion or motivation to combine the prior art references must be found within the references. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *AI-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 32 of 40

combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. Ap. & Inter. 1993); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)

More specifically, the specification p. 1 – 5 teaches a conventional RFP environment in which vendors submit a single bid in response to the RFP and the bids are evaluated. Alaia teaches a reverse auction environment, but fails to disclose a "best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service" and "a database updating module for updating the best of class database with at least one of the received bids so that the estimated market price more accurately approximates an actual market price." Applicants' claim 39 positively recites (*emphasis added to the original*):

39. A system for reducing the cost of telecommunications services, comprising:

a best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service;

a customer traffic history database including traffic information describing a historical quantity of at least some of the generic classes of telecommunications service used by a customer during a previous time period;

a spending analysis software module for reading multiple telecommunications billing statements including traffic detail data, extracting the traffic detail data from the telecommunications billing statements, converting the traffic detail data to the generic classes of telecommunications service, and updating the historical

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 33 of 40

quantity of the customer traffic history database with the converted traffic detail data;

an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of a specified one of the generic classes of telecommunications service, the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the specified generic class of telecommunications service;

an online reverse auction environment accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors;

a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the received bids; and

a database updating module for updating the best of class database with at least one of the received bids so that the estimated market price more accurately approximates an actual market price.

There is no suggestion or motivation to combine the specification p. 1 – 5 with Alaia within each of the references. Further, even though the teachings of the prior art references, i.e., specification p. 1 – 5, Alaia, databases and modular programming, were individually known at the time, this is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. Therefore, independent claim 39 is allowable.

Claims 40 to 48 depend directly or indirectly, from independent claim 39 and recite additional limitations therefor. Because independent claim 39 is allowable, claims 40 to 48 are also allowable. Applicants respectfully request the rejection of claims 39 to 48 be withdrawn.

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 34 of 40

REJECTION OF CLAIM 49 UNDER 35 USC § 103

The Examiner has rejected independent claim 49 under 35 USC § 103 as being unpatentable over specification p. 1 – 5 in view of knowledge of one of ordinary skill in the art, and further as manual process that has been automated. MPEP 2144.04, *In re Venner*, 120 USPQ 192. The rejection is respectfully traversed.

The Examiner contends that the specification p. 1 – 5 discloses a method of analyzing 1 telecommunications traffic comprising:

extracting (gathering) traffic detail data (historical call data) from multiple billing statements, the billing statements being received from various telecommunications carriers, the traffic detail data (historical call data) of each billing statement describing at least one telecommunications traffic event (one billable and summarizing the traffic detail data (compiling historical use summaries).

The Examiner concedes the specification p. 1 – 5 does not teach:

converting the traffic detail data to a generic traffic format, the generic traffic format defining multiple generic classes of service, storing the converted traffic detail data in a customer traffic history database, and summarizing the converted traffic detail data.

The Examiner contends that the specification teaches a manual process which has been merely automated. Further, the Examiner cites knowledge available to one of ordinary skill in the art in combination with the teachings of the specification p. 1 – 5, as rendering independent claim 49 unpatentable. The Applicants respectfully disagree.

More specifically, the specification p. 1 – 5 teaches:

To further complicate the forecasting process, the information provided in carriers' standard billing formats make it very difficult to determine the actual rates applied to particular traffic. For example, a contract between a customer and a single carrier may specify 150 different rates for hundreds of different classes of voice traffic. Service contracts may also specify

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 35 of 40

discounts applicable to only a few of the contract rates in particular circumstances, such as when a volume exceeds a predetermined target. Voice traffic classes may differentiate telecommunications traffic based on origination location, termination location, whether the traffic was incoming or outgoing, the time of the traffic event, and the rate schedule to be applied. Rates for a particular call may even vary during the duration of the call. However, service class designators are not typically listed in the billing formats used by most carriers. Also, while the service contract may clearly define the applicability of discounts, carrier bills often fail to clearly identify calls to which the discounts have been applied. Consequently, summarizing and analyzing billing information is a complicated task.

The specification is focused upon the extraction and summarization of billing information from billing statements, not on the extraction and summarization of traffic data.

The Examiner's attention is directed to the fact that the specification p. 1 – 5 fails to teach or suggest extracting traffic detail data from multiple billing statements, converting the traffic detail data to a generic traffic format, storing the generic traffic detail data, and summarizing the converted traffic detail data, as positively claimed in Applicants' independent claim 49. Specifically, Applicants' independent claims 49 reads as follows:

49. A computer-implemented method of analyzing telecommunications traffic, comprising:

extracting traffic detail data from multiple billing statements, the billing statements being received from various telecommunications carriers, the traffic detail data of each billing statement describing at least one telecommunications traffic event;

converting the traffic detail data to a generic traffic format, the generic traffic format defining multiple generic classes of service;

storing the converted traffic detail data in a customer traffic history database; and

summarizing the converted traffic detail data.

(emphasis added to the original)

**RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 36 of 40**

The Examiner erroneously equates the specification p. 1 – 5 with the novel features of independent claims 49. That is, claim 49 claims extracting, converting, storing and summarizing traffic detail data or information, not billing information. Traffic detail information can be of several types including voice, cellular, paging, and data transmission. As stated in the Background of the Invention section:

Additional telecommunications carriers may be used for certain classes of service, such as calls and other traffic between specific locations or at certain times. Furthermore, multiple telecommunications carriers are commonly used for the exact same class of service, for purposes of introducing redundancy in the customer's telecommunications resources, and for other reasons. As used herein, the term "class of service" means a particular telecommunications service for transmitting voice, data, or other signals between two geographic locations. Each different type of traffic transmitted and each different origination and destination region for the traffic may constitute a unique class of service. Class of service definitions are primarily dependent upon how telecommunications carriers distinguish traffic for the purpose of applying different rates.

As detailed above, traffic detail information is unique from billing information in that there are different categories of traffic and each category includes different classes of service. Heretofore, known methods of tracking telecommunication information were directed to tracking billing information, not traffic detail information because it was too difficult and time consuming to obtain and process traffic detail data.

The combination of the specification p. 1 – 5, alone or in combination with knowledge possessed by one of ordinary skill in the art does not teach each and every element of independent claim 49. Further, a general conclusion concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. See *MPEP* 2144.03. Thus, independent claim 49 is allowable over the prior art. Furthermore, claims 50 – 59 depend, directly or indirectly, from independent claim 49 and recite

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 37 of 40

additional limitations therefor. For these and the same reasons discussed above, dependent claims 50 – 59 are also allowable over the prior art and are in condition for allowance. Applicants respectfully request the rejection of claims 49 to 59 be withdrawn.

REJECTION OF CLAIM 60 UNDER 35 USC § 103

The Examiner has rejected independent claim 60 under 35 USC § 103 as being unpatentable over specification p. 1 – 5 in view of knowledge of one of ordinary skill in the art. The rejection is respectfully traversed.

The Examiner contends the specification p. 1 – 5 teaches:

a telecommunications spending analysis system for analyzing multiple telecommunications billing statements received by a customer from various telecommunications carriers, each telecommunications billing statement including traffic detail data (detailed billing statements) for multiple telecommunications traffic events comprising: relating the traffic detail data (traffic information) to multiple classes of service (class of service); and a traffic analysis step (analyzing billing information) in communication with the customer traffic history summary (historical use summaries) for analyzing the traffic detail data (detailed billing statements) to thereby allow convenient summarizing and reporting of the traffic detail data.

The Examiner concedes the specification p. 1 – 5 does not teach:

a system comprising: a set of computer-readable translation rules that relate the traffic detail data to multiple predefined generic classes of service, a traffic genericizing module for converting the traffic detail data to a generic traffic detail format in accordance with the translation rules a customer traffic history database for storing the converted traffic detail data; and a traffic analysis software module in communication with the customer traffic history database for analyzing the converted traffic detail data to thereby allow convenient summarizing, storage, and reporting of the traffic detail data.

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 38 of 40

Further, the Examiner states "[c]onverting, translating, standardizing and/or categorizing data or information into a pre-determined generic/common format or grouping is old and well known in the art of computer systems and information management" and "[s]torage of information in a database and updating of such information is old and well known in the art of computer system and database design". The Examiner concludes the specification p. 1 – 5 in view of knowledge of one of ordinary skill in the art renders independent claim 60 obvious under 35 USC § 103.

Applicants' claim specifically states:

60. A computer-implemented telecommunications spending analysis system for analyzing multiple telecommunications billing statements received by a customer from various telecommunications carriers, each telecommunications billing statement including traffic detail data for multiple telecommunications traffic events, comprising:

a set of computer-readable translation rules that relate the traffic detail data to multiple predefined generic classes of service;

a traffic genericizing module for converting the traffic detail data to a generic traffic detail format in accordance with the translation rules;

a customer traffic history database for storing the converted traffic detail data; and

a traffic analysis software module in communication with the customer traffic history database for analyzing the converted traffic detail data to thereby allow convenient summarizing, storage, and reporting of the traffic detail data.

(emphasis added to the original)

As discussed above, the prior art must suggest the desirability of the claimed invention. (MPEP 2143.01) More specifically, the suggestion or motivation to combine the prior art references must be found within the references. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). Further, a general conclusion concerning what is "basic

**RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 39 of 40**

knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. See, *MPEP 2144.03*.

The combination of the specification p. 1 – 5, alone or in combination with knowledge possessed by one of ordinary skill in the art does not teach each and every element of independent claim 60. Thus, independent claim 49 is allowable over the prior art. Furthermore, claims 50 – 59 depend, directly or indirectly, from independent claim 49 and recite additional limitations therefor. For these and the same reasons discussed above, dependent claims 50 – 59 are also allowable over the prior art and are in condition for allowance. Applicants respectfully request the rejection of claims 49 to 59 be withdrawn.

The Examiner further rejects claims 24, 34 and 44 under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art and Alaia, as in Claims 16, 28 and 39 above, and in further view of Culloton. Because claims 24, 34 and 44 depend from independent claims discussed above, which the Applicants claim are patentable, these dependent claims are also patentable.

Conclusion

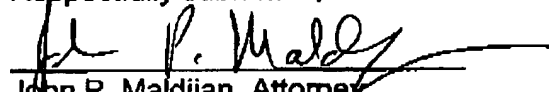
Thus, the Applicants submit claims 1-71 fully satisfy the requirements of 35 U.S.C. §§102 and 103. Consequently, the Applicants believe all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

RESPONSE TO OFFICE ACTION
SERIAL NO. 09/781,937
Page 40 of 40

If, however, the Examiner believes there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. John P. Maldjian at (732) 935-7100 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

3/17/06
Date

Respectfully submitted,


John P. Maldjian, Attorney
Reg. No. 41,967
(732) 935-7100
Moser IP Law Group
1040 Broad Street
Shrewsbury, NJ 07702